



Robert W. Quinn, Jr.
Federal Government Affairs
Vice President

Suite 1000
1120 20th Street NW
Washington DC 20036
202 457 3851
FAX 202 457 2545

March 5, 2004

VIA ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

Re: Notice of Ex Parte Presentation
In the Matter of AT&T's Petition for Declaratory Ruling That AT&T's Phone-to-Phone IP Telephony Services Are Exempt From Access Charges, WCB No. 02-361; Vonage Holding Company's Petition for Declaratory Ruling, WC No. 03-211; Level 3 Communications Petition for Forbearance, WC No. 03-266; In the Matter of Developing a Unified Intercarrier Compensation Regime, WCB No. 01-92

Dear Ms. Dortch,

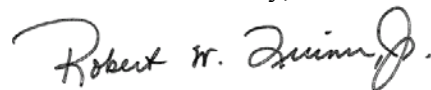
On Tuesday March 2, 2004, James Cicconi, General Counsel and Executive Vice President of AT&T Corp., Leonard Cali, Vice President – Law & Director Federal Government Affairs, and I met with Commissioner Jonathan Adelstein and Scott Bergmann, Commissioner Adelstein's Legal Adviser, to discuss issues related to the aforementioned proceedings. During the course of those discussions, we reiterated that the Commission not to impose the existing PSTN access charge scheme on any VoIP applications individually or collectively as those regulations would disincent investment in this important new technology. We explained that application of access charges to voice applications that terminate on the PSTN would disincent rural broadband deployment entirely as well. During that discussion, we urged the Commissioner to address issues related to universal service and access charge contribution (which are affected by the intersection of IP technology with the PSTN) holistically in an intercarrier compensation reform proceeding that eliminates the access charge regime entirely rather than begin the process of importing the competition-distorting access charge regime into this new technology.

We also explained that the Commission should not provide disincentives to backbone providers that will deter them from the process of upgrading and investing to expand their IP capabilities. That investment will be necessary for the industry to

provide a seamless conversion to an IP-based infrastructure that is transparent to end-users. Instead, we stated that the Commission should continue the de-regulatory policies that were established in 1998 and reaffirmed in 2001 in the Commission's *Inter Carrier Compensation NPRM*. We reiterated the view that imposition of access charges on VoIP would disincite investment by backbone providers in IP architectures and thus slow investment in this key technology area (contrary to prior Commission policy). Finally, we explained that providers of IP based services were, in fact, compensating all LECs for terminating that traffic pursuant to the interconnection provisions of the Act. Consequently, all LECs were recovering their respective costs plus a reasonable profit for terminating that traffic and that any claim that a carrier was not recovering its costs was an outright fabrication. We also explained that in the event the Commission feels compelled to act on the Petition standing alone, it should grant the Petition and set forth non-discriminatory policies for traffic that both originates and terminates on the public switched telephone network prospectively. In no event should the Commission determine that Commission rules dictated that VoIP has been subject to access charge rules in the past. To that end, we specifically discussed the arguments raised in the the ex parte letter filed by AT&T on Friday February 20, 2004, a copy of which is attached with this filing and reiterated those arguments.

The positions expressed in the meeting for each of these areas were consistent with those contained in the Comments, Reply Comments and ex parte filings previously made in the aforementioned dockets. One electronic copy of this Notice is being submitted for each of the referenced proceedings in accordance with the Commission's rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Zimmer". The signature is fluid and cursive, with a large initial "R" and a stylized "Z".

cc: Commissioner Jonathan Adelstein
Scott Bergmann